

EXHIBIT AG

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST ATTACKS) 03-MDL-1570 (GBD) (SN)
ON SEPTEMBER 11, 2001)
)

**THE ANNOTATIONS ON THIS TRANSCRIPT WERE DONE BY PETER C. SALERNO AND REFLECT
CORRECTIONS SUPPLIED BY THE DEPONENT IN AN ERRATA SHEET (ATTACHED)**

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Tuesday, July 20, 2021

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Remote video-recorded deposition of JONATHAN
BENTHALL, held at the location of the witness,
commencing at 12:03 p.m., on the above date, before
Debra A. Dibble, Certified Court Reporter,
Registered Diplomate Reporter, Certified Realtime
Captioner, Certified Realtime Reporter and Notary
Public.

— — —

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1 A. I consider myself an expert on
2 aspects of money laundering as they pertain
3 to Islamic charities.

4 Q. What kind of training and
5 background do you have on money laundering
6 and investigating money laundering?

7 A. I don't have any formal
8 training on that.

9 Q. So how is it that you consider
10 yourself to be an expert in that area?

11 MR. NASSAR: Objection,
12 mischaracterizes his testimony. He
13 did not testify to that.

14 Q. (BY MR. MALONEY) Sir --

15 A. I have been --

16 Q. Sir, let me restate the
17 question.

18 Do you consider yourself to be
19 an expert in money laundering?

20 MR. NASSAR: Objection, asked
21 and answered.

22 A. I think I've answered that
23 question. With regards to money laundering
24 aspects relating to Islamic charities, I
25 consider I have expertise.

1 Q. (BY MR. MALONEY) Okay. You've
2 had no training in money laundering, no
3 experience in money laundering, but you
4 consider yourself to be an expert in money
5 laundering when it comes to Islamic
6 charities. Is that what you're saying?

7 A. In regards to Islamic
8 charities, I have been interested in this
9 question and have -- since the Montreux
10 Initiative -- since I was engaged by
11 the Montreux Initiative, it's been something
12 I've considered ^{actively} ~~captive~~. Not money
13 laundering in the sense of money laundering
14 for alleged -- alleged terrorists, but rather
15 money laundering in general.

16 Q. Well, speaking of that, do you
17 consider yourself an expert in terror
18 financing?

19 A. Certainly with regard to
20 aspects of terrorist financing that pertain
21 to Islamic charities, I've been interested in
22 this for a long period and consider that I
23 have expertise.

24 Q. So based on your interest in
25 the subject matter, you consider yourself to

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1 be an expert in terror financing when it
2 comes to charities. Is that what you're
3 saying?

4 A. Not just my interest, but my
5 active engagement with people who specialize
6 in the subject and in reading as much as I
7 have been able to of the literature on the
8 subject; the research literature and the
9 official documents.

10 Q. You mentioned the Montreux
11 Initiative in 2005, I think you said.

12 Did I get that right?

13 A. Yes.

14 Q. Tell me what that initiative
15 was, briefly.

16 A. The Montreux Initiative was set
17 up by the political division for -- of the
18 Swiss foreign relations department. In
19 particular, an individual called Jean-Nicolas
20 Bitter, spelled B-I-T-T-E-R, who had been
21 publishing on Islamic charities, even before
22 myself and other colleagues I worked with.

23 And he invited me to write a feasibility

24 study for a project to -- for a ^{cooperation} ~~a corporation~~

25 to remove unjustified obstacles from Islamic

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1 of -- that were being published by the U.S.
2 treasury at that time.

3 Q. (BY MR. MALONEY) When you say
4 you were engaged in collective discussion,
5 what did you specifically do to fix or change
6 any of the auditing procedures at any of the
7 charities, you personally?

8 A. I didn't -- I certainly didn't
9 succeed myself in altering any particular
10 charities procedures.

11 I was engaged --

12 Q. Did you --

13 A. Sorry.

14 Q. Okay. Earlier I asked you if
15 you considered yourself an expert in terror
16 financing, and you said with regard to
17 charities, you did consider yourself such an
18 expert.

19 Have you ever been disqualified
20 as an expert in any subject area by a court?

21 A. I recall in the Arab Bank case,
22 that -- this was particular to do with
23 Palestinian cap committees. From what I
24 recall, my expertise was partially accepted
25 and partly declined by the judge.

1 Q. What was excluded? What parts
2 of your opinion or expertise was excluded,
3 and why was it excluded?

4 A. I can't remember. Could you
5 show me the document that you're referring
6 to? This would help me to refresh my memory.

7 Q. I'm going to ask you your
8 memory. Did you consider that a big deal
9 when a court said you were not qualified to
10 give an expert opinion in a subject area? Is
11 that something you remember or not?

12 MR. NASSAR: Objection, form.

13 Those are two separate questions. Are
14 you asking does he think it's a big
15 deal or whether he remembers it?

16 MR. MALONEY: I'm asking if he
17 remembers it.

18 A. I remember quite vaguely that
19 there was -- there were a lot of developments
20 in that case, and I can't remember the
21 details of -- if you would show me the
22 document, I could refresh my memory about it,
23 but I can't remember exactly what the problem
24 was.

25 Q. (BY MR. MALONEY) Did the

1 Court, in its opinion, find that you had no
2 expertise whatsoever in, quote, financial
3 irregularities, close quote, the provision
4 of, quote, banking services, closed quote, by
5 financial institutions or whether the
6 charitable organization at issue here or not
7 were Hamas fronts?

8 A. Can you please show me the
9 document and I --

10 Q. I'm going to ask your counsel
11 to give it to you. It's Linde versus Arab
12 Bank at 2011 Westlaw 9974, 899 at page 3.

13 MR. NASSAR: Are you asking me
14 to look up -- to log into Westlaw and
15 look up --

16 MR. MALONEY: I'm asking if he
17 remembers that or if you've shown that
18 to him.

19 MR. NASSAR: I don't have
20 access to Westlaw at the moment, and
21 so I -- I'm unable to do what you're
22 asking. If you want to show him a
23 document, that's fine, but I can't log
24 into Westlaw at this point.

25 Q. (BY MR. MALONEY) Does that

1 sound familiar to you, Mr. Benthall, what I
2 just read to you?

3 A. I remember very vaguely, but
4 there was so much -- there was so much legal
5 argument related to that case, which was
6 resisted by the attorneys acting for the Arab
7 Bank, and I really couldn't give you a
8 definitive answer on that. If you show me
9 the document, I will give you my --

10 Q. Did the Court say that you had
11 no reliable basis or methodology to reach the
12 conclusions on those issues?

13 A. Well, it was a different -- it
14 was a completely different case from the
15 present one. So even if this was the case,
16 it would be -- it was a totally different set
17 of circumstances to the present case. It was
18 to do with the Palestinian, ^{zakat committees,} ~~the~~ ~~calculators,~~
19 nothing do with al-Qaeda at all.

20 Q. I understand. But it had
21 everything to do with you and your claim to
22 be an expert in financial irregularities and
23 banking services, did it not?

24 A. It was to do with the --

25 MR. NASSAR: Objection to form.

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1 A. It was to do with the status of
2 these ~~calculators~~ ^{zakat committees} and the financial --
3 financial documentation relating to them.

4 Q. (BY MR. MALONEY) And your
5 opinion was excluded because the Court found
6 you had no expertise in those areas; correct?

7 A. I think you are -- you are
8 mischaracterizing what happened because it
9 was a very specific case, very specific --
10 I don't think there was
11 anything in my expert report relating to
12 financial reporting at the time.

13 Q. I'm reading from the Court's
14 opinion, sir. I'm not characterizing it any
15 way other than to read from the Court's
16 opinion. And I'm asking if you remember
17 that.

18 A. You're not reading from the
19 Court's opinion. You're telling me something
20 orally, which I'd really like to look at the
21 document to refresh my memory of what it
22 said.

23 Q. All right. I'll be happy to do
24 that at a break, send you the Westlaw
25 opinion. I'm surprised this is not something

1 that would stand out in your memory.

2 Did you consider that exclusion
3 to be attack on your credibility as an
4 expert?

5 A. I didn't, because it was
6 related to the -- some extremely restrictive
7 rulings made by this judge, which the
8 attorneys opposed. I can't remember whether
9 they asked for reconsideration of this or
10 not, but there were -- there was a lot of
11 to-and-froing
~~term-throwing~~ with regard to the
12 qualifications of experts and the legal
13 framework of that case.

14 Q. All right. So you don't
15 understand what the Court -- the meaning of
16 what the Court said about you; correct?
17 That's what you're saying?

18 MR. NASSAR: Objection,
19 mischaracterizes the testimony.

20 A. Mr. Maloney, you said you'd
21 share the document. And when I see the
22 document, I will give you --

23 Q. (BY MR. MALONEY) Okay. So you
24 would need your memory refreshed. Is that
25 what you're saying?

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1 A. Yes.

2 Q. Have you ever met for any
3 reason with officials from the Saudi
4 government with regard to any charities?

5 A. No, I haven't, that I can
6 recall.

7 Q. How about members of the royal
8 family, whether or not they were government
9 officials, have you met with any of them with
10 regard to any charities?

11 A. I can't recall having met with
12 a member of the Saudi government.

13 Q. I think I already asked you
14 this. Have you ever met with any of the
15 leadership from the IIRO or Muslim World
16 League?

17 A. I have met Dr. Basha, but not
18 the other ones.

19 Q. How about Mr. Qurashi?

20 A. Yes, I've met Mr. Qurashi.

21 Q. You met him in London in 1995;
22 correct?

23 A. That's correct.

24 Q. Did you meet with him any other
25 time?

1 when you were describing the recent materials
2 you reviewed, you had described two
3 categories.

4 One was material put out by the
5 Muslim World League and IIRO, and another was
6 the material that was put out by those who
7 were hostile to those Islamic charities.

8 Did I hear you right?

9 A. Hostile to the Muslim World
10 League in particular. I should qualify what
11 I said by hostile. I should have said
12 perhaps dismissive or always looking for
13 worst things in them.

14 Q. Well, are we talking about the
15 allegations that they were financing
16 terrorism?

17 A. I'm talking about -- about
18 narrative documentation of -- what I was
19 looking for was narrative documentation
20 actually explaining how the World League was
21 set up and the kind of values and ideologies
22 of the World League over the years, which is
23 actually quite difficult to find. It just
24 happens that it hasn't been studied by
25 scholars in the same way that I have tried to

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1 look at IIRO, as I did before I had any
2 intimation that I'd be involved in this case,
3 in 2018.

4 Q. I'm still unclear. You
5 identified some materials, at least vaguely,
6 that were published in 1990 and 1992.

7 Is the material that was
8 hostile to the charities, was that published
9 after the 9/11 attacks?

10 A. There's a lot of -- a lot of --
11 if you look at things like the internet, you
12 can find material about the Muslim World
13 League which is negative and not very well
14 sourced, and you find other materials which
15 is published by an MWL spokesman; and I was
16 looking for something that is unbiased and
17 reliable from an academic point of view.

18 Q. So the material that was
19 published by the Muslim World League you
20 consider potentially to be biased; fair?

21 MR. NASSAR: Objection,
22 mischaracterizes his testimony.

23 A. There is a -- there's an
24 element of bias as there's an element of bias
25 in the other kind of material put out by some

1 Q. So the third one is
2 representatives of religious institutions;
3 recipients of charity --

4 Did you -- sorry,
5 representatives of religious institutions.

6 Did you interview or discuss
7 this material for this report with religious
8 institutions, "yes" or "no"?

9 A. No.

10 Q. The next one is discussions or
11 interviews with recipients of the charity and
12 welfare support.

13 Did you discuss or interview
14 anybody that was receiving any of the charity
15 from Muwafaq or Kadi in connection with this
16 report?

17 A. No.

18 Q. The next one is government
19 publications and websites.

20 Did you review government
21 publications and websites in connection with
22 this report?

23 A. Yes.

24 Q. Okay. I'm going to circle
25 that, and we'll come back to that. Well,

1 actually, if you can concisely tell me what
2 it is that you consulted.

3 A. Government publications and
4 websites.

5 Q. And they're listed on your list
6 of materials considered?

7 A. You asked me to be concise, and
8 you asked me a very general question. But a
9 lot of reports from the United States
10 government in particular and United Nations
11 and et cetera.

12 Q. Right. And my follow-up to
13 that is they're all listed on anything you
14 considered. Government publications and
15 websites are listed in the attachment to your
16 report or the supplement provided by
17 Mr. Salerno; correct?

18 A. Yes. Yes. Yes.

19 Q. The next one is personal
20 observations, especially through participant
21 observation.

22 What, if any, participant
23 observation or personal observation did you
24 make in connection with this report?

25 A. It was not in connection with

1 this report, but in the -- in connection with
2 my wider expertise and publications.

3 Q. Are you referring to your
4 general work on the history of Islamic
5 charities?

6 A. On the history of Islamic
7 charities and on the encounters they've had
8 with regulatory authorities and legal systems
9 in different countries.

10 Q. Would you please try to keep
11 your voice up.

12 A. The encounters with regulatory
13 authorities and legal systems in different
14 countries.

15 Q. And that's general background,
16 not specific to Mr. Kadi; correct?

17 A. Correct.

18 Q. And I'll save Mr. Carter the
19 trouble of asking you the same question if I
20 were asking about IIRO and Muslim World
21 League, your report is not specific to them
22 in this regard, but your general background
23 and your publications on Islamic charities
24 and regulatory authorities; fair?

25 MR. NASSAR: Objection, form.

1 MR. SALERNO: Yeah, objection
2 to form.

3 A. It's different, because in the
4 case of IIRO and the MWL, I have had
5 interviews and I've known personally some of
6 the protagonists, have made many personal
7 observations. So it's different from the
8 cases --

9 Q. (BY MR. MALONEY) Okay. And
10 you did touch on some of that earlier. I'm
11 going to either come back or leave that for
12 Mr. Carter.

13 The next item on primary
14 sources to consult with would be written
15 materials such as letters, reports, business
16 records, in-house memoranda, photographs,
17 websites, and promotional and fundraising
18 material.

19 Did you specifically use that
20 methodology for this Kadi report?

21 A. Yes. Just to take photographs,
22 I used a picture of Mr. Kadi with
23 ex-President Jimmy Carter and Rosalynn at the
24 Al-Hekma -- Dar Al-Hekma women's college,
25 but -- I think it's inauguration. That's

1 just one example of --

2 Q. What year was that photo?

3 Sorry.

4 A. The photograph of Mr. Kadi
5 posing with ex-president Jimmy Carter and
6 Rosalynn Carter at the ceremony to do with
7 the Dar Al-Hekma women's college, which he
8 co-sponsored and co-founded.

9 Q. And my question was what year
10 was the photo?

11 A. I'll have to look that up on
12 my -- I don't have that in mind, but I think
13 it was the 1990s.

14 Q. Can I ask on this particular
15 primary source group of material, are all of
16 the items -- the material such as letters,
17 reports, business records, in-house memoranda
18 and photographs and websites -- listed on
19 your list of reliance materials in connection
20 with the report --

21 A. Mr. Maloney, you've asked me a
22 question. I've asked for a moment to just
23 find the date. You asked the date of the
24 photograph.

25 Q. I was hoping you would know it.

1 I've looked at masses of material. I can't
2 find any evidence that Mr. Kadi had any
3 sympathies of this kind. And there's
4 evidence for his support of the women's
5 college, which was before 9/11.

6 So it couldn't be argued that
7 it was done to sort of exculpate himself from
8 any allegations of nefarious conduct. But
9 also there are other examples of him being
10 willing to give support to Christians, and
11 some countries that -- it just seems to me
12 there's no evidence presented so far -- of
13 course, there might be, that he had ^{any} ~~only~~ kind
14 of sympathy in that direction.

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15 Of course, you could argue that
16 he was an incredibly devious person who had
17 an enormous ^{false} ~~fore-~~ trail in creating this front
18 for al-Qaeda, but I haven't seen any evidence
19 on it.

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20 Q. (BY MR. MALONEY) The last item
21 on primary sources you listed here was court
22 documents.

23 Did you review court documents
24 in connection with your Kadi report?

25 A. Yes, I read the -- among

1 others, I read the United Nations court
2 documents. Which are -- yes.

3 Q. And it's listed in your list of
4 materials that you relied on; right?

5 A. Yes.

6 Q. And any other court documents?

7 A. I'll have to go through the
8 list to remind myself of this.

9 [Document review.]

10 MR. MALONEY: Why don't we go
11 off the record. If you need some time
12 to review, let's go off the record.

13 A. No, no. It's the case of --
14 near the end of the documents, United States
15 District Court, District of Massachusetts.
16 This is the Muntasser case.

17 Maybe it's not the ones. I
18 haven't looked at them exhaustively, but that
19 leaps to the eye.

20 Q. And these were supplied to you
21 by Mr. Salerno?

22 A. This particular one I supplied
23 myself.

24 Q. Okay. And why is it that you
25 sought that?

1 4:03 p.m. BST)

2 THE VIDEOGRAPHER: Back on the
3 record at 4:03 p.m.

4 Q. (BY MR. MALONEY) Mr. Benthall,
5 we went off the record for a few minutes for
6 you to look for something in your report.

7 A. Yes.

8 Q. Did you find it?

9 A. I found it. Yes, I found it.
10 It's the top of -- it's the top of page 26.
11 Or actually footnote 53, continuation of
12 footnote 53, which goes from page 25 to 26.

13 Q. I may come back to that and ask
14 you some questions, but I want to continue on
15 with the methodology you used or didn't use
16 in this case.

17 If we go back to page 8 of your
18 report. We covered the first category of
19 your methodology, which was the primary
20 sources that you've listed. I want to talk
21 briefly about the second category, which are
22 secondary sources you listed.

23 A. Yes.

24 Q. Such as open-source academic
25 articles and books.

1 I saw on your list you have
2 several academic articles and books listed
3 there. I assume that everything that you
4 consulted with in connection with the Kadi
5 report is on that list; correct?

6 A. I believe so.

7 Q. Okay. Same for newspaper
8 articles and websites, you've listed some of
9 those on your reliance materials; correct?

10 A. Yes.

11 Q. And interviews with other
12 researchers.

13 Did you do that in this -- in
14 connection with the Kadi report?

15 A. Not specially in connection
16 with this report, but, of course, I have in
17 my memory interviews with other researchers
18 and with journalists and diplomats that I
19 might have remembered when writing the
20 report.

21 Q. Specific to Mr. Kadi or Muwafaq
22 or any of Kadi's companies or just background
23 on Islamic charities in general?

24 A. Background and with one or two
25 researchers and journalists.

1 Q. I couldn't hear the end of
2 that. Background --

3 A. With one or two researchers and
4 journalists. Sometimes on a confidential
5 basis, that I wouldn't be able to cite in the
6 report, but this was not during the course of
7 writing the report but from my body of
8 experience of working on Islamic charities.

9 Q. Okay. Sir, my question was
10 more specific. Did you -- when we talked
11 about general background, that's general
12 background for Islamic charities, not
13 specific to Mr. Kadi or Muwafaq or any of
14 Mr. Kadi's businesses; correct?

15 A. Correct.

16 Q. You've listed here intelligence
17 reports when made available, other government
18 reports.

19 Did you utilize any of those in
20 connection with the Kadi report?

21 A. Yes, I've seen some
22 intelligence reports and government reports.

23 Q. And they're listed on your list
24 of materials relied upon; right?

25 A. Yes.

1 report that's purporting to summarize the
2 interview of a witness? Is that an opinion
3 or is that a factual report?

4 A. Well, a government report --
5 while I would say that is -- I would class
6 that as a secondary report, because it is
7 recording one person's impression or analysis
8 of a witness statement.

9 Q. So unless they took the
10 statement down verbatim or recorded it, it's
11 not factual. It's a -- it's a summary of the
12 interviewer's impression, is that what you're
13 saying?

14 A. I would say that, yes.

15 Q. Okay. The last item here you
16 write: Statistical surveys, including mass
17 public opinion surveys.

18 What are you referring to
19 there?

20 A. I don't think there were any
21 actually drawn on for this particular report.

22 Q. Okay. By the way, I assume
23 that in the first category on primary sources
24 where you listed letters, reports, and
25 business records, you would consider

1 financial reports to fall into the category;
2 correct?

3 A. Well, again, this is a little
4 bit of a borderline case, because a financial
5 report is -- what it is it's a primary
6 source; but at the same time, one wants to
7 know to what degree it's authenticated and to
8 what extent it can be regarded as an
9 objective statement of the facts.

10 So as I said, I think the
11 distinction between primary and secondary
12 source is a bit blurred at times for anybody,
13 but I wanted to make the distinction between
14 something that is actually factual and can't
15 be rebutted and secondary sources which
16 include an element of analysis and
17 interpretation.

18 Q. Did you review financial
19 reports in connection with the Kadi report?

20 A. I did indicate some of the
21 Pakistan offices, which are cited -- which I
22 think I mentioned in my report.

23 Q. Any other financial reports?

24 A. Not that I can recall.

25 Q. Why did you review the Pakistan

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1 Q. Do you address this information
2 anywhere in the actual text of your report?

3 I didn't see any reference to
4 it.

5 A. No, I -- because my report
6 is -- the defendants in this case are the
7 IIRO and the secretaries general, and I think
8 there's evidence that in the -- that Dr. Al
9 Basha, during his regime as Secretary
10 General, recognized that there were a lot of
11 irregularities, or certainly some

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12 irregularities. He I was trying to clamp down
13 on them as is clear in the memorandum which
14 he wrote in -- I believe it was 1999 that was
15 circulated to the IIRO branches, which gives
16 very clear instructions that there's to be no
17 truck with malpractice of any kind. And he
18 was doing his best, according to of
19 IIRO, which I've expressed in this paper for
20 Georgetown University, long before I had
21 anything to do with this case.

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22 And I think his -- as attested
23 from personal interviews as well as the
24 public record, is that -- is that it got sort
25 of overexpanded under Qureshi, who was

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1 dismissed in 1996.

2 And the administration had ^{not} ~~got~~

3 caught up with the expansion, and there were

4 irregularities, which as far as I can see,

5 Dr. Basha was trying to clamp down on. And

6 that's why I didn't actually see this as a --

7 it's an admitted matter that these branches

8 were designated. I've expressed -- I

9 expressed in my occasional paper a little bit

10 of concerns -- not concern, but doubt as to

11 why the whole of the IIRO wasn't designated

12 rather than these two branches, because Saudi

13 Arabia is well known as a pretty hierarchical

14 kind of society.

15 Q. Mr. Benthall, you're not a

16 lawyer; correct?

17 A. Correct.

18 Q. And you're not offering a legal

19 opinion as to the circumstances under which

20 an organization may be charged with

21 responsibility for the conduct of its

22 employees; correct?

23 A. Could you just repeat the

24 question? It's a rather -- just repeat the

25 question, please.

1 Q. Sure. You're not offering a
2 legal opinion as to the circumstances under
3 which an organization can be held responsible
4 for the actions of its employees.

5 A. No, but I've had experience of
6 the administration of large charitable
7 organizations, particularly Save the Children
8 fund, and then I was chair of the trustees of
9 INTRAC, which was ^athe consultancy, ~~if I'm~~
10 giving advice and so forth to international
11 ^{NGOs}engineers. And the question of
12 responsibility comes up. And it's very well
13 known that it's -- it's extremely difficult
14 to run a big international organization
15 without surrendering a certain amount of
16 control, because a lot of discretion has to
17 be left to local country managers. So I
18 don't think you need to be a lawyer to reach
19 an informed judgment on such matters.

20 Q. And in your expert report, you
21 expressed your opinion as to whether or not
22 it is appropriate to conclude that the
23 leadership and apex at the IIRO were
24 ideologically aligned with al-Qaeda and had a
25 systemic intent to support the sponsorship of

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1 al-Qaeda's activities; correct?

2 A. Yes, I was referring to the
3 defendants.

4 Q. And when you referred to the
5 leadership of the organization, who is
6 included in that circle?

7 A. As I've just said, I meant the
8 defendants in this case, who are the
9 secretaries general.

10 Q. Okay. And so your articulation
11 of the leadership of the IIRO would not
12 include, for example, Mr. Mujil, who was the
13 executive director of the branch office in
14 Eastern Province of Saudi Arabia; correct?

15 MR. NASSAR: Objection,
16 mischaracterizes the evidence.

17 What years was he the executive
18 director of the Eastern Province?

19 I'd like -- I mean, are you
20 ask -- you're characterizing his role.
21 Is there a time period that you're --
22 you'd like to orient the witness to?

23 Q. (BY MR. CARTER) Well, he's
24 identified in the U.S. government document as
25 the executive director. That's the time of

1 the designation. I'm just asking whether --
2 let me ask you another way.

3 Would the executive director of
4 one of the offices in Saudi Arabia be
5 considered part of the leadership for
6 purposes of your opinions?

7 MR. NASSAR: Objection to form.

8 A. I was referring in that
9 sentence to the secretaries general who are
10 the plaintiffs [sic] to this case. It's very
11 possible that there's some evidence that some
12 of the branches, the fundraising branches and
13 the local branches and/or operational
14 branches, deviated from the norms and values
15 of charities, but that doesn't argue -- that
16 doesn't necessarily argue that there was a --
17 that they would have joined in the appalling
18 conspiracy of 9/11.

19 Q. (BY MR. CARTER) And you allow
20 for the potential that that deviation may
21 have resulted in the transfer of resources to
22 al-Qaeda; correct?

23 MR. NASSAR: Objection to
24 scope.

25 A. It is possible. It is possible

1 that there was such transferred resources,
2 but I've not seen evidence in what's been
3 submitted so far.

4 Q. (BY MR. CARTER) Mr. Benthall,
5 on page 2 of your report, you offer your
6 opinion: There is no reason to suppose that
7 the leaders of the IIRO or MWL had anything
8 to do with the leaders of al-Qaeda or shared
9 its ideology, goals, or tactics.

10 Do you see that? In
11 paragraph 9.

12 A. It's in the summary, yes.

13 Q. And on what basis do you offer
14 an opinion as to the mental state of the
15 leaders of the IIRO and Muslim World League?

16 MR. NASSAR: Objection,
17 mischaracterizes the report.

18 A. I said nothing about their
19 mental state. What I do believe is that
20 if -- if these three individuals, I've read
21 the depositions, and I've read about them. I
22 didn't see that they shared the ideology,
23 goals, or tactics of al-Qaeda on the basis of
24 what I've seen.

25 If there's more evidence to the

1 have been responsible for determining how
2 fast the organization grew and opened
3 offices? Would that also be the leadership?

4 MR. NASSAR: Objection to form.

5 A. This goes -- this goes back to
6 the period of Qureshi and his regime when he
7 was an extremely enthusiastic, dynamic young
8 man. He was young at the time. And he
9 expanded IIRO all over the place,
10 particularly in the former Soviet Union where
11 it was -- it was part of the overarching aims
12 of IIRO to bolster the Islamic identityⁱⁿ the
13 former socialist republics. And my
14 conclusion reached in the Georgetown paper
15 was that it had expanded its range of
16 activities, but not to -- not to the extent
17 of sound administration.

18 Qureshi's -- Qureshi's strength
19 was in generating a great deal of excitement,
20 and he was a good publicist and fundraiser
21 and made links with big international
22 organizations, like UNHCR, but probably -- in
23 fact, certainly, I would say, was not
24 terribly good on financial controls, so he
25 laid a difficult legacy for Dr. Basha when he

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1 came in in 1996.

2 Q. (BY MR. CARTER) Mr. Benthall,
3 would it be accurate to say that the
4 vulnerabilities that you cite in your report
5 are the product of the failure of the
6 leadership to put in appropriate and
7 necessary controls? That certainly
8 contributed to the circumstance; correct?

9 MR. NASSAR: Objection to form.

10 A. That is true to some extent,
11 but on the other hand, you have to look at
12 the norms of charitable regulation at the
13 time in Saudi Arabia, and the fact that it --
14 transparency and right across the ^{board} ~~border~~ in
15 Saudi Arabia, ~~South Africa~~, commercially and charitably was
16 not -- at the time a great priority.

17 Q. (BY MR. CARTER) So to the
18 extent that the failure of these
19 organizations to implement sufficient
20 controls resulted in the diversion of money
21 to al-Qaeda, you believe that that is excused
22 by the norms in the Gulf at the time?

23 MR. NASSAR: Objection,
24 mischaracterizes his testimony. Form.

25 A. You are building into your

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1 extent an organization of ## with 90-----when
2 90 countries can be regarded as responsible
3 is ~~a-matter-of~~ what I was talking about /the with regard to
4 secretaries-general of Basha and the three
5 others.

6 Q. (BY MR. CARTER) Okay. So you
7 weren't addressing the circumstances in which
8 the organizations themselves are properly
9 held accountable for the activities of their
10 employees?

11 A. Well, the organization is
12 headed by individuals, and I believe ~~in-what~~
13 with regard to ~~I've-taken~~ the IIRO, I believe that
14 Dr. Basha, on the face of it, was doing his
15 best. He was faced by a difficult situation.
16 He may have had people who were pushing him
17 in various directions or leaning on him at
18 various times, but looking at his deposition,
19 and bearing in mind that it's quite possible
20 that he was speaking out of self-interest,
21 but on the face of it, and I think people
22 should be allowed a voice on such matters.
23 He was doing his best.

24 Q. And with regard to the IIRO, I
25 believe you mentioned earlier that you read

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1 he bears no fault for the fact that the
2 behavior apparently continued after he
3 initially raised it.

4 MR. NASSAR: Objection to form.

5 A. I don't think that it's -- I
6 wouldn't defend Dr. Basha as being the most
7 brilliant administrator there ever was, but
8 on the face of it, he was doing his best if
9 we look at that memorandum sent out in 1999.

10 And if he didn't succeed, there
11 may have been other people who were -- who
12 had strings to pull and make it difficult for
13 him.

14 Q. (BY MR. CARTER) You've spoken
15 and corresponded with Dr. Basha?

16 A. I've met Dr. Basha, a long time
17 ago, but I haven't corresponded with him, or
18 I haven't had dealings with him with regard
19 to this case.

20 Q. And so you've never spoken to
21 him at all about the accusations that offices
22 of the IIRO were engaged in supporting
23 terrorist activity?

24 A. I spoke to -- when I first met
25 him in Istanbul in either 1995 or '96 as a

1 member of the core group of the Montreux
2 Initiative, and he staunchly defended the
3 record of the IIRO and said the allegations
4 against it were false.

5 Q. And did you challenge him at
6 that time with the information from any of
7 the U.S. designations of the IIRO?

8 A. No, because it was common
9 knowledge that the -- no, actually, looking
10 at the dates, I'm not sure that -- this is
11 2006. This may well have been just before
12 the designation of the -- I can't remember if
13 it was 2005 or 2006. I think 2005 before
14 these designations of the branches.

15 Q. I believe you had testified
16 earlier that you may have communicated with
17 him by e-mail or otherwise as late as 2014 or
18 2015; is that correct?

19 A. Yes, I did.

20 Q. In the context of any of those
21 communications, did you raise the allegations
22 relating to IIRO's involvement in terrorist
23 activity?

24 A. No, because I was purely
25 seeking information about IIRO.

1 I do recall in other
2 correspondence, or possibly in -- I met him
3 for the second time in Doha. This was in
4 2006. And I do remember saying to him that
5 it was a pity that the annual reports were --
6 they weren't annual reports, but the
7 reporting by IIRO was so scanty, because it
8 made it very difficult for them to defend
9 themselves against allegations. And shortly
10 afterwards, I did get a message from him
11 saying I believe ~~you~~, you've been asking for
12 more information. And here it is.

13 And I received some packages by
14 post and then later e-mail communications as
15 well. But I was basically
16 information-gathering rather than challenging
17 him on any particular points.

18 Q. The reason I'm asking is
19 because a minute ago you testified about the
20 potential that there were people who had
21 strings to pull that were preventing
22 Dr. Basha from implementing the forms.

23 Was that based on some specific
24 information that Dr. Basha provided to you,
25 or is that your speculation?

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1 relevant to assessing their effectiveness and
2 competence, but not necessarily their
3 intentions, which I think don't -- to assess
4 their intentions, one would need to determine
5 whether they had disseminated any material
6 that was in any way consistent with al-Qaeda.

7 Q. (BY MR. CARTER) And so the
8 opinion you're offering in this case as to
9 IIRO runs to the intentions of the
10 leadership; correct?

11 MR. NASSAR: Objection.

12 A. The opinion I offer is that I
13 haven't seen evidence as to the intentions of
14 the leadership being nefarious.

15 Q. (BY MR. CARTER) With regard to
16 the potential ideological alignment of the
17 organizations and al-Qaeda, am I correct that
18 it is your understanding that the IIRO was
19 involved in providing support to the Afghan
20 mujahidin during the conflict of the Soviet
21 Union?

22 A. The IIRO was -- well, there
23 were very blurred lines in the Soviet and
24 Afghan conflict. I can't -- I'm not sure
25 there's absolutely firm evidence that the

1 MR. NASSAR: Objection to form.

2 A. I would certainly not -- if it
3 could be shown that the leadership, the
4 leaders of an organization were -- had been
5 funding al-Qaeda, this would be extremely
6 serious, and no excuse could be made for it.

7 Q. (BY MR. CARTER) But if the
8 organization were set up in a way that
9 allowed resources to be diverted by al-Qaeda,
10 that wouldn't matter if you didn't see
11 evidence that the leadership specifically
12 wanted that to happen.

13 Is that what I understand?

14 MR. NASSAR: Objection to form.

15 A. I need to find out the question
16 as to whether the leadership was intending to
17 do this. As I've said, I think, several
18 times in this deposition, I believe that the
19 administration by IIRO was very defective,
20 quite apart from the cultural questions of
21 transparency not being a great priority and
22 that being of less degree of professionalism
23 than you'd find in a good Western NGO.

24 The leadership was -- should
25 not be held liable for misconduct lower down

1 in the hierarchy.

2 Q. (BY MR. CARTER) Do you agree
3 that an organizations can only act through
4 their employees?

5 A. Of course, they --
6 organizations consist of individuals, but if
7 you're holding -- if you're conducting
8 litigation against an organization, it should
9 show that the leadership were the people you
10 should go for.

11 Q. And again, we've established
12 that you are not a legal expert and you have
13 no basis to offer an opinion about the
14 circumstances in which an organization should
15 be held legally liable; correct?

16 A. That's correct, I'm not a
17 lawyer. But from a common sense point of
18 view, the -- I think most people would agree
19 that it is the leaders of the organization
20 which should be held liable for nefarious
21 acts, insofar as they are -- as they were
22 under their control, their intention, their
23 guilty intention.

24 Q. And are you offering an expert
25 opinion on that issue?

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1 A. I'm not offering expert
2 opinion. That is because I think it's a
3 matter ^{for} of a lawyer. I'm giving you an
4 opinion based on common sense and how most
5 people would look at the question of
6 culpability for complex multilayer
7 organizations.

8 Q. You also talk in your report
9 about the backlash suffered by Islamic
10 charities after 9/11.

11 Do you recall that?

12 A. I do.

13 Q. And you discuss in there
14 obstacles to their operations that existed
15 after 9/11; correct?

16 A. Yes.

17 Q. And on pages 21 and 22, you
18 talk about potential consequences of that
19 circumstance. Right? You identify potential
20 humanitarian deficit as well as the
21 humanitarian vacuum; correct?

22 A. Correct.

23 Q. What does that have to do with
24 whether or not the IIRO or the Muslim World
25 League provided support to al-Qaeda before

In re Terrorist Attacks on September 11, 2001, MDL No. 03-1570 (GBD)

ERRATA SHEET FOR THE TRANSCRIPT OF:

Deponent: Jonathan Benthall

Dep. Date: July 20, 2021

PAGE/LINE	CHANGE TRANSCRIPT FROM:	CHANGE TRANSCRIPT TO:	REASON FOR CHANGE/OTHER ISSUE
14/21	the sorts	all sorts	Mistranscription
14/22	charity of the aged	care of the aged	Mistranscription
16/6	Litany	coalition	Mistranscription
22/16	reports	report	Correction
26/5	microphone	microfilm	Mistranscription
26/11	microphone	microfilm	Mistranscription
28/14	program	programmed	Mistranscription
29/4-5	sales school on how - on who was selling	based on Hoover's	Mistranscription
29/9	report	reporting	Mistranscription
29/18-19	Wytan W-Y-T-A-N	Witan W-I-T-A-N	Mistranscription
30/12	Root	routine	Mistranscription
33/13	a training.	a training for.	Mistranscription
36/5	starter	start-up	Mistranscription
37/4	then this is	then this was	Mistranscription
37/14	pensions	ventures	Mistranscription
41/6	find that this is	find that this was	Mistranscription
41/23	Administrated	Administration	Mistranscription
42/1	Hart Weiss	Howard Wise	Mistranscription
42/25	the first	first the	Mistranscription
49/4	counter	encounter	Mistranscription
49/5	body's medium	body as a medium	Mistranscription
50/1	Louisa Moore	Lucy Mair	Mistranscription
51/5	anthropologies, subcultural	anthropology, cultural	Mistranscription
52/6	necessary	necessarily	Mistranscription
53/13	retrospective of ethnography	retrospective ethnography	Mistranscription
54/3-4	ritual of all authority	ritual of authority	Mistranscription
55/17	intermarket	ethnography	Mistranscription
59/20	research in	research on	Mistranscription
60/4-5	a mosque and an imam	Muscat and Oman	Mistranscription
71/12	captive	actively	Mistranscription

72/24	a corporation	cooperation	Mistranscription
73/22	At	that	Mistranscription
74/8	regulator	regulatory	Mistranscription
75/24	normals	norms	Mistranscription
76/1	demonstrate that their	demonstrate their	Mistranscription
77/6	As	what	Mistranscription
77/8	when the --	after	Mistranscription
77/15	Centers	Center	Mistranscription
78/12	the office	The UK Foreign Office	Mistranscription
78/14	similarly	separately	Mistranscription
80/18	Cinema	Conference	Mistranscription
80/22	Haslia	Herzliya	Mistranscription
81/17	principal	principle	Spelling Error
86/21	Light	style	Mistranscription
91/18	Palestinian, the calculators	Palestinian zakat committees	Mistranscription
92/2	these calculators	These zakat committees	Mistranscription
93/11	term-throwing	to-and-froing	Mistranscription
109/18, 21	Amran bin Mansour	Khalid bin Mahfouz	Mistranscription
116/10	between fighters and between other	between fighters and other	Mistranscription
120/19-20	It's a documentation	It's a matter of documentation	Mistranscription
129/21	ideologies	ideologies	Spelling Error
131/7	applicable	admirable	Mistranscription
135/16	such as a shell charity	a separate charity	Mistranscription
136/11	methodology, which he	methodology, in which	Mistranscription
138/21	admitted in error	omitted	Mistranscription
139/4	admitted in error	omitted in error	Mistranscription
141/11	Royal	global	Mistranscription
142/23	the prior due to	the period during	Mistranscription
144/19	they have mentioned in the 9/11 Commission	that was mentioned in the 9/11 Commission Report	Clarification
147/11	Agree	disagree	Mistranscription
147/11	principal	principle	Spelling Error
150/17	We	I	Mistranscription
151/4	prospective	perspective	Mistranscription
151/6	operated on	operated in	Mistranscription
153/14	the rollout	Rowad	Mistranscription
153/19	Luxor	Loxhall	Mistranscription

154/8	the Rolad	Rowad	Mistranscription
155/7	Luxor	Loxhall	Mistranscription
158/7	perspective of	perspective on	Mistranscription
165/21	Mr. Carter	Mr. Kadi	Mistranscription
166/1	noncompetents	combatants	Mistranscription and Correction; stated “noncombatants” but corrects to “combatants”
166/20	noncompetents	noncombatants	Mistranscription
166/21, 22	competents	combatants	Mistranscription
167/23	violentism	violent	Mistranscription
168/13	only	any	Mistranscription
168/17	fore-trail	false trail	Mistranscription
174/19	factor	factual	Mistranscription
181/1	audits	aspects	Mistranscription
181/8	chairman of the ^ he’s killing me. It’s Swiss Private Bankers Association. Cap Here? Association of Swiss private bankers	chairman of the Association of Swiss Private Bankers	Mistranscription
182/10-11	Since then, it is	Before then, it was	Mistranscription
184/23	charities’ security network	Charity and Security Network	Mistranscription
186/9	Sway	swathe	Mistranscription
187/1	Sway	swathe	Mistranscription
211/18	From	in	Mistranscription
214/5	That is not correct	That is correct	Mistranscription
219/14	anticipatrial	anticipatory	Spelling Error
219/15	peremptory	preemptive	Mistranscription
221/12	I	He	Mistranscription
221/18-19	my understanding, the IIRO	, according to my understanding of the IIRO,	Mistranscription
222/2	Got	not	Mistranscription
223/9	the consultancy, if I’m	a consultancy giving	Mistranscription
223/11	engineers	NGOs	Mistranscription
227/9	Spots	parts	Mistranscription
225/10	plaintiffs	defendants	Correction
227/11	This is their problem	This was their problem	Mistranscription
227/15	^are or aren’t	aren’t	Mistranscription
228/23	which	since	Mistranscription

231/14	IRRO	MWL	Mistranscription
231/23	hierarchy	hierarchic	Mistranscription
232/12	identity, the	identity in the	Mistranscription
233/14-15	across the border in South Africa	across the board in Saudi Arabia	Mistranscription
234/11	“if that is true in it,”	“if that is true” in it	Mistranscription
235/22	decision	social	Mistranscription
236/20-21	as you’re trying to point it out	as you rightly point out	Mistranscription
237/1-5	extent an organization of – with 90 – when 90 countries can be regarded as responsible is a matter of what I was talking about the secretaries general of Basha and the three others.	extent an organization with 90 countries can be regarded as responsible is what I was talking about with regard to the secretaries-general Basha and the three others	Clarification
237/12-13	in what I’ve taken	with regard to	Correction
241/6	weren’t	were	Mistranscription
241/11	I believe you, you’ve	I believe you’ve	Mistranscription
255/1	WESTERN	Western	Spelling Error
256/17	commonism	communism	Spelling Error
258/4	scholars	scholarship	Mistranscription
260/4	Does	did	Correction
262/13-14	And after that, the date records the end of the war	And after date, there begins the end of the war.	Mistranscription
264/6	1992	1996	Mistranscription
269/4	The CIA officials	“CIA officials	Insert quotation mark
269/10	little to do with him.	little to do with him”	Insert quotation mark
272/3	of	for	Mistranscription
276/21-23	and “material support,” I’m quoting American –it has – it’s	and “material support,” I’m quoting American law, it’s	Mistranscription
277/19	for the	with a	Mistranscription
278/10	anticipate	anticipatory	Mistranscription
278/14	Liar	lawyer	Mistranscription
278/15	typically	technically	Mistranscription
278/24	the intention on	the need for attention and	Mistranscription
279/4-5	--but I’m not alone in being --	I’m not alone	Mistranscription
279/14	So they are	So when they are	Mistranscription
280/15	that the humanitarian law project	in the Humanitarian Law Project case	Mistranscription and Spelling Error
280/19-22	an attempt by an organization that attempts to persuade, say, Hezbollah, to the lay-down-	an attempt by an organization to persuade, say, Hezbollah, to lay down	Mistranscription

	arms approach from the political process,	their arms and have faith in the political process	
282/17	humanitarian law project	Humanitarian Law Project	Spelling Error
286/19	criteria	citation	Mistranscription
286/24	that is dependent on reliance on	that is dependent on, reliant on,	Mistranscription
289/1, 7-8 290/1, 8-9, 16	Al-Haramain Masjed al-Husa	Al-Haramain Al-Masjed Al-Aqsa	Spelling Error

This Transcript Contains Confidential Material

ACKNOWLEDGMENT OF DEPONENT

I, JONATHAN BENTHALL, do hereby certify that I have read the foregoing pages and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

Jonathan Benthall

15 September 2021

JONATHAN BENTHALL

DATE

Subscribed and sworn to before me this

15 day of September, 20 21.

My commission expires: on death

Al Caisley

Notary Public

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